per first appearance minute 4/7/09 G.S.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ORDERED SEALED BY COURT

UNITED STATES OF AMERICA, Plaintiff, v. **Jose Eduardo GALVEZ-Aragon (D1)** and **Francisco PEREZ-Torres (D2)** Defendants.	Magistrate Case No. '08 MJ 0945
	COMPLAINT FOR VIOLATION OF
	Title 8, U.S.C., Section 1324(a)(2)(B)(iii)- Bringing in Illegal Aliens Without Presentation
	Title 8, U.S.C., Section 1324(a)(1)(A)(iv)- Inducing and Encouraging Illegal Aliens To Enter the United States

08 MAR 27 PM
CLERK, U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

The undersigned complainant being duly sworn states:

Count I

On or about **March 25, 2008**, within the Southern District of California, defendants **Jose Eduardo GALVEZ-Aragon (D1)** and **Francisco PEREZ-Torres (D2)**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **David ROJAS-Tejes** and **Veronica CRUZ-Ramos**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens, and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

Count II

On or about **March 25, 2008**, within the Southern District of California, defendants **Jose Eduardo GALVEZ-Aragon (D1)** and **Francisco PEREZ-Torres (D2)**, did encourage and induce an alien, namely **Fabiola LOPEZ-Martinez,** with the intent to violate the immigration laws of the United States, to come to, enter and reside in the United States, knowing and in reckless disregard of the fact that such coming to, entry and residence in the United States is and will be in violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iv).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 27th DAY OF **MARCH, 2008.**

UNITED STATES MAGISTRATE JUDGE

G/M

PROBABLE CAUSE STATEMENT

The complaint states that **Fabiola LOPEZ-Martinez, David ROJAS-Tejes** and **Veronica CRUZ-Ramos** are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial thereof by subpoena and they are all material witness in relation to this criminal charge and should be held or admitted to bail as prescribed in Title 18, United States Code, Section 3144.

On March 25, 2008 at approximately 2255 hours, **Jose Eduardo GALVEZ-Aragon (D1)** applied for admission to the United States from Mexico via the vehicle primary lanes of the San Ysidro Port of Entry as the driver of a 1992 Nissan Maxima. D1 presented a DSP-150 bearing the name Jose Alfredo PEREZ-Castaneda as proof of admissibility to a Customs and Border Protection (CBP) Officer. Accompanying D1 as visible passengers were **Fabiola LOPEZ-Martinez (MW1)** who presented a DSP-150 bearing the name Estefania FORTIS-Segura and Marcelina AGUIRRE-Lagunas who presented a DSP-150 bearing the name of Francisa FLORES Gonzalez. The CBP Officer obtained a negative Customs declaration from D1. The CBP Officer suspected D1, MW1 and AGUIRRE-Lagunas were imposters to the documents presented and escorted the vehicle with its occupants to secondary for further inspection.

In secondary, three people were found concealed in the trunk of the vehicle. The three concealed persons were identified as **David ROJAS-Tejes (MW2), Veronica CRUZ-Ramos (MW3)** and Roberto ZARAGOZA Navarro. D1, MW1 and AGUIRRE were verified to be impostors to the documents presented. All occupants of the vehicle were identified as citizens of Mexico without legal documents to enter into the United States.

D1 was advised of his Miranda Rights, acknowledged his rights and elected to answer questions without an attorney present. D1 admitted knowledge of the concealed aliens. D1 admitted a man by the name of "Padrino" provided him with the DSP-150 and vehicle. D1 stated he was originally going to be charged $3,500.00 to be smuggled into the United States but would not have to pay if he agreed to drive the vehicle across the border.

D1 stated he was guided to the San Ysidro Port of Entry by a lead vehicle described as a red 1995 Toyota Camry. CBP records checks to include vehicle and passenger crossing history link **Francisco PEREZ-Torres (D2)** to the lead vehicle. CBP investigations identify D2 as a non-immigrant in possession of a valid DSP-150 Border Crossing Card. D1 was presented with a photographic line-up display and identified D2 as the driver of the lead vehicle he was instructed to follow through the border on March 25, 2008. D1 also identified D2 as the driver of the vehicle he was instructed to follow through the border when he was apprehended for alien smuggling on November 17, 2007, November 28, 2007 and December 8, 2007.

During separate videotaped interviews, MW1, MW2 and MW3 admitted they are citizens of Mexico without legal documents to enter the United States. MW1, MW2 and MW3 stated they were to pay between $1,500.00 and $3,000.00 to be smuggled into the United States. MW1, MW2 and MW3 stated they were going to California to seek employment and visit family.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

UNITED STATES MAGISTRATE JUDGE